

# Employment Security Department

## ● Lowering From 30 Weeks to 26 Weeks

*Effective January 4, 2004*

*What's New:* When Washington's three-month seasonally adjusted total unemployment rate drops to 6.8 percent or lower, the maximum benefits payable will permanently become the lesser of 26 times the weekly benefit amount or one-third of the base-year wages.

## ● Part-time Workers Job Search

*Effective January 2, 2005*

Current law does not allow benefits to unemployed workers seeking only part-time work. These claimants are required to seek full-time work.

*What's New:* Claimants who do not work over 17 hours in any week of their base period are allowed to draw benefits while looking for part-time work. If a claimant worked 18 or more hours in any week during their base year, they are not considered a part-time worker for unemployment purposes and will be required to seek full-time work to be eligible for benefits.

Visit our Website at:  
**[www.wa.gov/esd/ui/6097info.htm](http://www.wa.gov/esd/ui/6097info.htm)**  
for additional information  
and updates as they  
become available.

# Employment Security Department

# IMPORTANT BENEFITS INFORMATION

## Major Changes From the State Legislature

The passage of Second Engrossed Senate Bill 6097 enacted the most comprehensive changes to unemployment insurance law since the inception of Experience Rating! These changes, supported by the business organizations of Washington State and outlined below, affect benefits and have varied effective dates.

## ● Elimination of Marginal Labor Force Attachment (MLFA) *Effective June 20, 2003*

Prior to repeal, regular taxable base year employers could be partially or fully non-charged automatically for benefits paid a claimant. A claimant was determined to be MLFA if benefits payable for a quarter exceeded the amount of wages earned in Washington for the sum of the two previous corresponding calendar quarters.

*What's New:* MLFA has been repealed.

## ● Wage Garnishment

*Effective June 20, 2003*

RCW 50.20.045 allowed benefits when an employee was separated from employment due to wage garnishment.

*What's New:* This law has been repealed and eligibility for benefits when a claimant has been discharged due to wage garnishments will be determined under the misconduct provisions of the law.

● **Eliminating “liberally construed” From Preamble** *Effective June 20, 2003*

Previous law included the words liberally construed in the Preamble to the Employment Security Act.

*What’s New:* This language has been deleted.

● **Only Separating Employer Charged When a Quit is Due to Deteriorating Work Conditions** *Effective January 4, 2004*

Currently all taxable base year employers are proportionately charged their percentage of the benefits paid (by their share of base year wages) unless relief of charges is granted.

*What’s New:* If an employee quits for reasons attributable to the employer, and the separating employer is a taxable base year employer, and the claimant qualifies for benefits, 100% of that claim will be charged to that employer.

● **Only Separating Employer Charged When an Employee Quits To Take a Bona Fide Job Offer and Actually Works at that Job** *Effective January 4, 2004*

Currently all taxable base year employers are proportionately charged their percentage of the benefits paid (by their share of base year wages) unless relief of charges is granted.

*What’s New:* If an employee quits the first employer to take a bona fide job offer with a second employer and the second employer (separating employer) is a taxable base year employer, and the claimant qualifies for benefits, 100% of that claim will be charged to the second employer.

● **Calculation of Weekly Benefit Amount (WBA)** *Effective January 4, 2004*

The current method averages the two highest quarters of wages in the base year and multiplies by 4% to determine the WBA

*What’s New:*

Effective January 4, 2004 - the WBA will be determined by averaging the three highest quarters and then multiplying by 4%.

Effective January 2, 2005 - the WBA will be calculated as 1% of all base year wages.

● **Job Search Requirements for Union Members** *Effective January 4, 2004*

*What’s New:* Language was added to require claimants that are a part of a labor agreement to follow dispatch rules.

● **Quit for Good Cause** *Effective January 4, 2004*

*What’s New:* Section 4 amends RCW 50.20.50 to codify only ten specific reasons that are considered good cause of quitting work. Four of the reasons are considered not attributable to the employer and six are attributable.

*Reasons not attributable to the employer are that the claimant left work:*

- (i) To accept a bona fide work offer.
- (ii) Due to the illness or disability of the claimant or the death, illness, or disability of a member of the claimant’s immediate family. The claimant must have pursued all reasonable options such as requesting a leave of absence, failed in these attempts, and then separated employment with no entitlement to be reinstated to the same position.
- (iii) To relocate with a military spouse due to a mandatory transfer. The transfer has to be within Washington (but out of the current labor market) or to a state that allows benefits for a quit to follow a spouse.
- (iv) To protect the claimant or the claimant’s immediate family from domestic violence or stalking.

*The six reasons that a claimant would be granted benefits and the quit would be considered a quit attributable to the employer are that the claimant left work because:*

- (v) Usual compensation was reduced by twenty-five percent or more;
- (vi) Usual hours were reduced by twenty-five percent or more;
- (vii) The worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual’s job classification and labor market;
- (viii) The worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;
- (ix) Illegal activities at the individual’s worksite had been reported to the employer by the employee, and the employer failed to end such activities within a reasonable period of time; or
- (x) Usual work was changed to work that violates the individual’s religious convictions or sincere moral beliefs.

● **Misconduct** *Effective January 4, 2004*

Eleven (11) reasons were codified by 2ESB 6097 in Section 6 as misconduct. However, the finding of misconduct is not limited to these eleven reasons. Requalifying for benefits after a denial based upon misconduct has increased from seven weeks and earnings of seven times the weekly benefit amount to ten weeks and earnings of ten times the weekly benefit amount.

Gross misconduct is also part of new Sections 6 and 9. It is defined as either a work connected criminal act to which the claimant has admitted committing or for which the claimant has been convicted or conduct that demonstrates a flagrant and wanton disregard of and for the rights, title, or interest of the employer or a fellow employee.

This section requires all hourly wage credits based on that employment or 680 hours of wage credits, whichever is greater, be deleted.

● **Work Search Requirements Modified** *Effective January 4, 2004*

The current work search requirements are three employer contacts or participation in one approved in-person job search activity at the local reemployment center.

*What’s New:* The Department is required to verify work search requirements of Washington claimants residing in other States and the contacts to be verified have increased to three employer contacts or participation in three approved in-person job search activities at the local reemployment center. Stricter monitoring has been mandated and non-compliance will result in loss of all benefits while not meeting the requirements.

